
OLR Bill Analysis

sSB 907

AN ACT CONCERNING ADDITIONAL REQUIREMENTS FOR AN EMPLOYER'S NOTICE TO DISPUTE CERTAIN CARE DEEMED REASONABLE FOR AN EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

SUMMARY:

This bill requires certain employers, or their workers' compensation insurers, to obtain written approval from a workers' compensation commissioner before discontinuing, reducing, or denying an employee's course of medical treatment deemed reasonable or necessary by a physician or surgeon (hereafter, "physicians"). The requirement does not apply to (1) employers that maintain an employee's health insurance coverage while the employee is receiving workers' compensation benefits or (2) an ongoing course of medical treatment of limited duration.

The bill specifies the procedure, including a notice requirement and hearing, that must be followed before the employer or insurer can discontinue, reduce, or deny the medical treatment. To grant approval, a compensation commissioner must find the proposed treatment unreasonable.

The bill also allows any employee receiving medical treatment under workers' compensation to choose his or her course of medical care if the (1) employer or insurer seeks to discontinue, reduce, or deny a course of care and (2) employee's physician and employer's physician disagree over which course of care is better, but agree that either course is reasonable. The employee must choose by informed consent.

EFFECTIVE DATE: October 1, 2013

PROCEDURE

To obtain written approval from a commissioner, the bill requires an employer or its insurer to first notify the employee, commissioner, and the physician who found the treatment reasonable or necessary that it intends to discontinue, reduce, or deny the treatment. The employer or insurer must issue the notice within 10 days after the employer, insurer, claim administrator, or Second Injury Fund receives notice of the employee's need for treatment. The bill precludes the employer or insurer from discontinuing, reducing, or denying the request for treatment if it does not issue the notice.

The bill requires the notice to include (1) the reason that the treatment is not reasonable, (2) a licensed physician's opinion that the treatment is not reasonable or necessary, and (3) the basis for this opinion. If the employer (or, presumably, its insurer) intends to rely on a physician's opinion based on a future independent medical examination, the notice must instead include an appointment for the exam within 30 days after the employee receives the notice. If the exam is not conducted before the 30-day deadline, the bill precludes the employer or insurer from disputing, discontinuing, or reducing the requested treatment. The employee's treatment cannot be modified until the exam's results have been considered at an informal hearing.

Under the bill, the notice must also advise the employee (1) of the 15-day deadline to request an informal hearing, (2) how to request the hearing, (3) to be prepared to support his or her objection with medical and other documentation, and (4) to note the date he or she receives the notice. The bill prohibits a commissioner from approving any changes in the employee's treatment until the deadline to request a hearing has passed or the case has been heard, whichever is later.

At a hearing, the employer must prove that the proposed medical care or treatment is not reasonable. Either party can request a formal hearing on the commissioner's decision.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7 Nay 3 (03/19/2013)